DETAILED ACTION

Specification

1.   The specification has not been checked to the extent necessary to determine the presence

of all possible minor errors. Applicant's cooperation is requested in correcting any errors of

which applicant may become aware in the specification.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

3.   Claim 19 is rejected under 35 U.S.C. 101 because it is directed towards nonstatutory

subject matter.

A). The Examiner notes that "comprising instructions…" does not specify how the

instructions are (a) associated with the medium, or (b) the nature of instructions. Data structures

not claimed as embodied (or encoded with or embedded with) in a computer readable medium

are descriptive material per se, and are not statutory, *Warmerdam, 33 F.3d at 1361, 31, USPQ2d*

at 1760). Specifying the association in the manner listed above would sufficiently address the

first condition. Similarly, computer programs claimed as computer listings, instructions, or codes

are just the descriptions, expressions, of the program are not "physical things". They have neither

computer components nor statutory processes, as they are not "acts" being performed. In

contrast, a claimed "…computer readable medium encoded with a computer program…" is a

computer element which defines structural and function interrelationships between the computer

program and the rest of the computer, and is statutory, *Lowry, 32 F.3d at 1583-84, 32 USPQ2d*

at 1035. Specifying the instructions as a "computer program" would sufficiently address the

second condition, *Interim Guidelines, Annex IV (Section a).*

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

5.   Claims 1-3, 8-9, 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Wredenhagen et al., (hereinafter referred to as "Wredenhagen").

Wredenhagen discloses a motion sequence pattern detector for detecting presence of film

material in a series of consecutive video fields (Wredenhagen: figure 2), the motion sequence

pattern detector comprising processing means which is arranged: to compute for a first one of the

consecutive fields a value of a video motion measure and a value of a film motion measure

(Wredenhagen: column 5, lines 25-41); and to determine the presence of film material on basis

of the value of the video motion measure and the value of the film motion measure

(Wredenhagen: column 4, lines 40-45), the value of the video motion measure being computed

by: establishing a plurality of motion patterns for respective groups of pixels of the first one of

the consecutive fields (Wredenhagen: column 6, lines 25-35); comparing each of the plurality of

motion patterns with a predetermined video motion pattern and conditionally increasing the

value of the video motion measure (Wredenhagen: column 6, lines 50-60), the value of the film

motion measure being computed by: comparing each of the plurality of motion patterns with a

predetermined film motion pattern and conditionally increasing the value of the film motion

measure (Wredenhagen: column 7, lines 1-5), as in claim 1.

Regarding claim 2, Wredenhagen discloses wherein the groups of pixels each have one

pixel (Wredenhagen: column 8, lines 40-55), as in the claim.

Regarding claim 3, Wredenhagen discloses wherein the processing means are arranged to

establish a first one of the motion patterns by computing: a first difference between a first pixel

value of the first one of the consecutive fields and a second value being derived from a second

one of the consecutive fields (Wredenhagen: column 5, lines 55-60); and a second difference

between a third pixel value of a third one of the consecutive fields and a fourth value being

derived from the second one of the consecutive fields (Wredenhagen: column 6, lines 5-20), as in

the claim.

Regarding claim 8, Wredenhagen discloses being arranged to output a signal indicating presence of film material at a location corresponding to a first one of the groups of pixels on basis of comparing a first one of the motion patterns, with the predetermined film motion pattern, the first one of the motion patterns corresponding to the first one of the groups of pixels (Wredenhagen: column 14, lines 35-67; column 15, lines 1-22), as in the claim.

Regarding claim 9, Wredenhagen discloses comprising a contrast measurement unit for selecting a first one of the groups of pixels by means of: computing a first value of a contrast measure for a first set of pixels of the first one of the consecutive fields (Wredenhagen: column 10, lines 28-35); comparing the first value of the contrast measure with a predetermined contrast threshold (Wredenhagen: column 10, lines 36-41); and assigning the first set of pixels as the first one of the groups of pixel if the first value of the contrast measure is higher than the predetermined contrast threshold (Wredenhagen: column 10, lines 42-60), as in the claim.

Wredenhagen discloses an image processing apparatus (Wredenhagen: figure 2), comprising: receiving means for receiving a signal corresponding to a series of consecutive video fields (Wredenhagen: column 4, lines 5-12); a motion sequence pattern detector as specified (Wredenhagen: figure 21); and an image processing unit for computing a sequence of output images on basis of the series of consecutive video fields the image processing unit being controlled by the motion sequence pattern detector (Wredenhagen: column 5, lines 25-31), as in the claim.

Regarding claims 14-15, Wredenhagen further discloses a display device for displaying the output images, and characterized in that it is a TV (Wredenhagen: column 11, lines 15-20), as in the claims.

Regarding claims 16-17, Wredenhagen discloses further storage means for storage of the output images (Wredenhagen: column 2, lines 25-60), as in the claims.

Wredenhagen discloses a method of detecting presence of film material in a series of consecutive video fields (Wredenhagen: column 2, lines 63-67; column 3, lines 1-2), comprising: computing for a first one of the consecutive fields a value of a video motion measure and a value of a film motion measure (Wredenhagen: column 5, lines 25-41); and determining the presence of film material on basis of the value of the video motion measure and the value of the film motion measure (Wredenhagen: column 4, lines 40-45), the value of the video motion measure being computed by: establishing a plurality of motion patterns for respective groups of pixels of the first one of the consecutive fields (Wredenhagen: column 6, lines 25-35); comparing each of the plurality of motion patterns with a predetermined video motion pattern and conditionally increasing the value of the video motion measure (Wredenhagen: column 6, lines 50-60), the value of the film motion measure being computed by: comparing each of the plurality of motion patterns with a predetermined film motion pattern and conditionally increasing the value of the film motion measure (Wredenhagen: column 7, lines 1-5), as in claim 18. 19.

Wredenhagen discloses a computer program product to be loaded by a computer arrangement (Wredenhagen: column 4, lines 60-67; column 5, lines 1-3), comprising instructions to detect presence of film material in a series of consecutive video fields (Wredenhagen: figure 2), the arrangement comprising processing means and a memory, the computer program product, after being loaded (Wredenhagen: column 5, lines 10-17), providing said processing means with the capability to carry out the following steps: computing for a first one of the consecutive fields a value of a video motion measure and a value of a film motion measure (Wredenhagen: column

5, lines 25-41); and determining the presence of film material on basis of the value of the video

motion measure and the value of the film motion measure (Wredenhagen: column 6, lines 40-

45)), the value of the video motion measure being computed by: establishing a plurality of

motion patterns for respective groups of pixels of the first one of the consecutive fields

(Wredenhagen: column 6, lines 25-35); comparing each of the plurality of motion patterns with a

predetermined video motion pattern and conditionally increasing the value of the video motion

measure, the value of the film motion measure being computed by (Wredenhagen: column 6,

lines 50-60): comparing each of the plurality of motion patterns with a predetermined film

motion pattern and conditionally increasing the value of the film motion measure (Wredenhagen:

column 7, lines 1-5), as in claim 19.

Allowable Subject Matter

6.   Claims 4-7 and 10-12 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Adams discloses a method and apparatus for detecting the source format of video

images.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The

examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                            Andy S. Rao
                                                            Primary Examiner
                                                            Art Unit 2621

asr
/Andy S. Rao/
Primary Examiner, Art Unit 2621
June 14, 2010